

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

GEORGE D. McCARLEY,)	
)	
Plaintiff,)	
)	Civil Action No. 3:06-cv-00091-MEF
v.)	Lead Case
)	
HOUSEHOLD FINANCE)	
CORPORATION III, et al.,)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE TO THE
PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

Mr. McCarley commenced these actions on January 31, 2006, seeking equitable relief, compensatory and punitive damages and costs. The complaints initially named fifteen Defendants, five of which remain in this lawsuit currently, including Household Finance Corporation III; HSBC Finance Corporation; HSBC GR. Corp; Household International Inc., and HSBC Mortgage Services Inc. The only remaining claim pending against these Defendants is Mr. McCarley's RESPA claim.

On May 21, 2007, the Defendants served their response to the discovery requests at issue, which requests were titled *Discovery Action In The Above Styled Case* and contained forty-five questions, many of which contained various multiple subparts. Mr. McCarley's motion to compel filing includes only a portion of Defendants' response (Docket Item 81, Exhibit 1) and fails to comply with the requirements of Local Rule 37.1.

In their response, the Defendants provided responses and objections to 1 through 25 and objected to answering 26 through 45 because said interrogatories exceeded the number allowed by Federal Civil Procedure Rule 33(a). Indeed, the first 25 interrogatories alone contain numerous subparts and consequently exceed the number permitted by Rule 33(a). Further, the Defendants provided Mr. McCarley with copies of the documents referenced in their responses to questions 1 through 25 and counsel for Defendants participated in a face to face discovery meeting to facilitate the exchange of said information.

With respect to Defendants' responses 1 through 25, it appears that Mr. McCarley is satisfied with the answers to questions 1, 2, 3, 8, 12, 21, and 23; however he has advised that he believes questions 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25 (or certain subparts thereof) have been answered in an insufficient manner. (Docket Item 82). The specific reasons for his dissatisfaction with the responses to said questions are unknown, as it appears that Mr. McCarley is not satisfied generally with the responses that he has received.

The Defendants stand by their responses and objections and would emphasize that much of the information requested is totally irrelevant to the remaining RESPA claim pending before the Court.

WHEREFORE, Defendants request that this Court deny Mr. McCarley's pending Motion to Compel.

Respectfully submitted this the 24th day of October, 2007.

/s/ George R. Parker
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CERTIFICATE OF SERVICE

I hereby certify that I have, on this the 24th day of October, 2007, served a correct copy of the foregoing upon the following by placing the same in the United States Mail, properly addressed and postage prepaid:

George D. McCarley
216B Chestnut Street
Roanoke, AL 36274

/s/ George R. Parker
OF COUNSEL